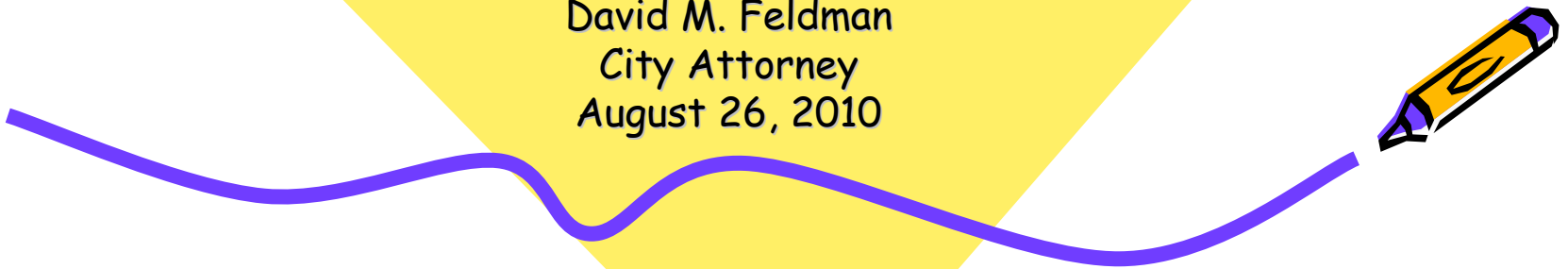
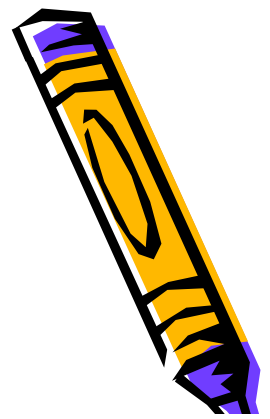




Ethics For City Boards and Commissions

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City Attorney
August 26, 2010





GRANTLAND®

YOUR POSITION MEANS THAT
YOU SHOULD TAKE ANY
REPORT OF WRONGDOING
VERY SERIOUSLY.



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YOU MEAN BECAUSE I'M A
MANAGER?



YES --



THAT, AND THE POSITION
YOU'LL BE IN IF THERE'S
AN INVESTIGATION.



WHAT'S THAT?



ALL BY YOURSELF.

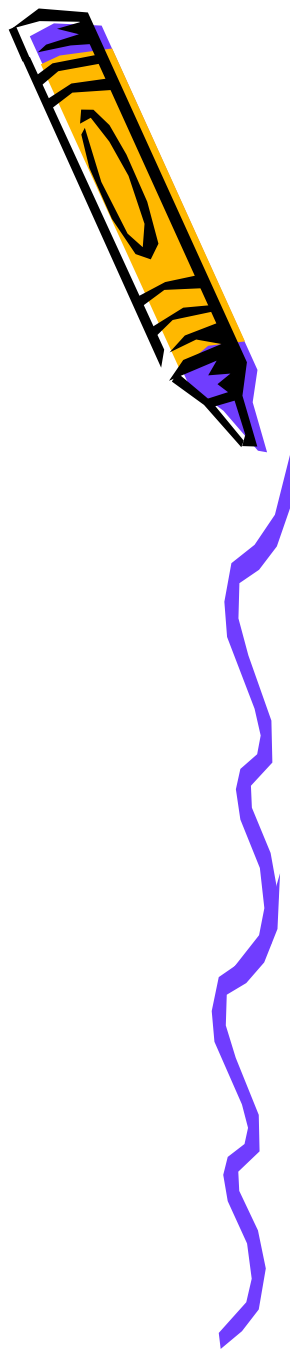


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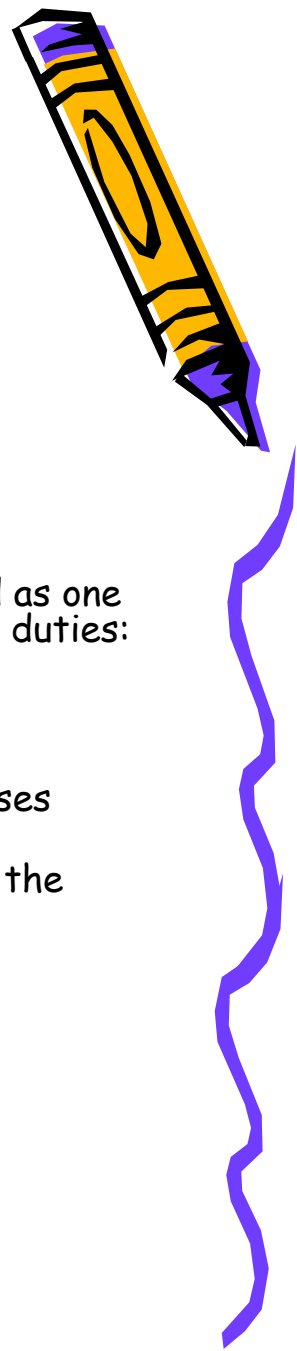


What is a board or commission member?

- a. A public servant
- b. A local public official
- c. A local government officer
- d. A public official
- e. A party animal
- f. All of the above
- g. Some of the above



What is a board or commission member?



Answer: *Some* of the above! Board or commission members are:

A public servant-Texas Penal Code Section 1.07

- A person elected, selected, appointed, employed, or other wise designated as one of the following, even if he has not yet qualified for office or assumed his duties: an officer, employee, or agent of government.
- All board or commission members are public servants.

A local public official-Texas Local Government Code Chapter 171

- A member of governmental body or another officer appointed that exercises duties beyond that of being advisory in nature.
- Some board or commission members are local public officials, by virtue of the function of the board or commission on which they sit.

A local government officer-Texas Local Government Code Chapter 176

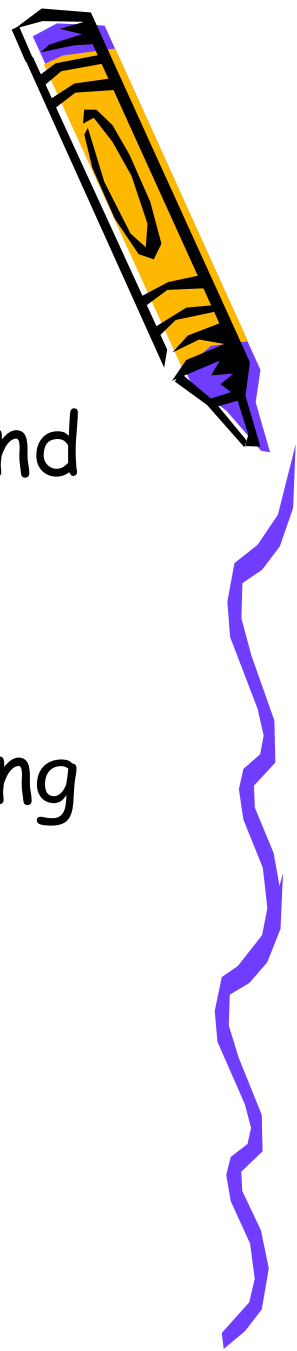
- A member of the governing body of a local governmental entity.
- All board or commission members are local government officers.

A public official-Texas Government Code Chapter 573

All board or commission members are public officials.



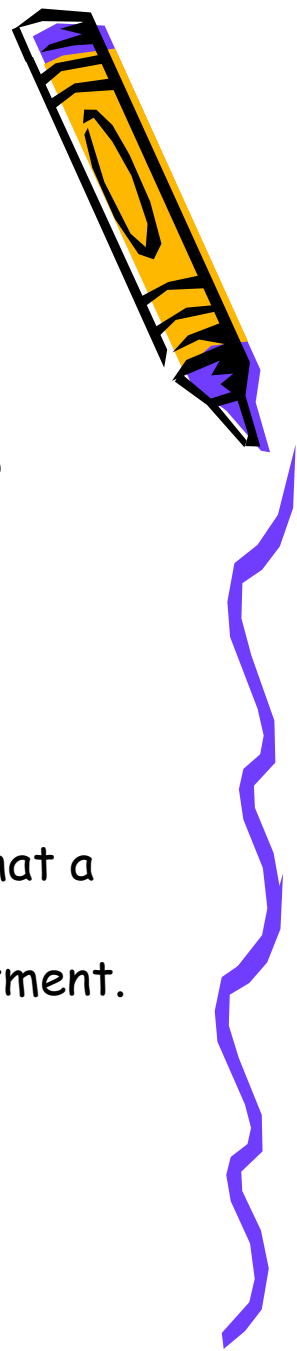
What's your address?



- I found a great home in Bellaire, and I'm moving in two weeks. (And get this—it's below market!)
- True or false: I can continue serving on the City of Houston Alphabet Commission?



False. Residence in Houston is Required



Section 2-316(a) of the Houston Code of Ordinances requires a person appointed to a board or commission to maintain his or her residence within the city limits, unless:

- the ordinance designating the composition of a board or commission specifically provides otherwise; or
- the person is a full-time salaried city employee.

Section 2-316(b) of the Houston Code of Ordinances provides that a person who moves outside the city limits during his or her appointment term is automatically disqualified from such appointment.



It's Fun to Serve....But Behave!



Section 18-3 of the Houston Code of Ordinances (Standards of Conduct) DO NOT:

- Engage in conduct that may create a conflict with your duties.
- Disclose or inappropriately use confidential information concerning the city.
- Use your official capacity for private gain.
- Use your official capacity to gain future employment opportunities.
- Represent an individual or interest in front of the body to which you are a member.
- Engage in activities that demean or defame certain groups of people.



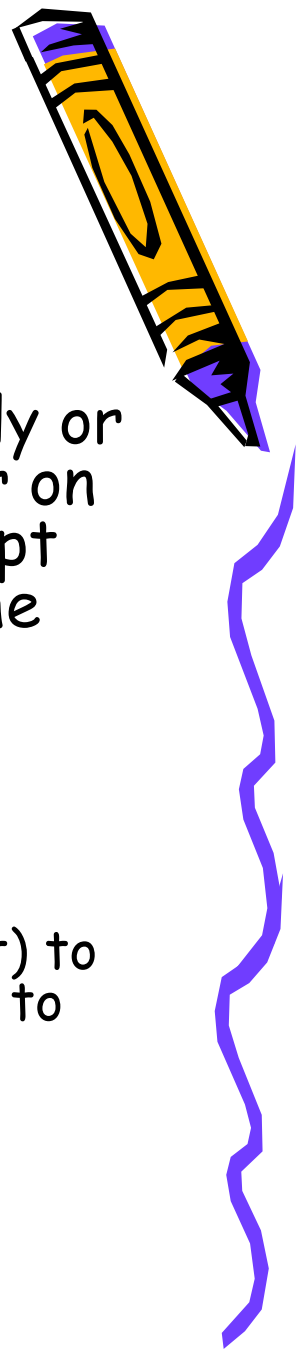
Dilemma



- My neighbor has a matter pending before the Gripes and Grievances Board. He offered to blow the leaves out of my driveway if I think about supporting his argument at the hearing (his business's sign has been found in violation of city ordinance).
- Is his conduct ethical? Legal? What if I accept his offer? Ethical? Legal?



Bribery—Texas Penal Code



- A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts or agrees to accept from another any "benefit" in exchange for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion.
- What is a "benefit"?
 - A pecuniary gain or advantage (money or in-kind gift) to you or to someone else whose welfare is of interest to you (like a family member).



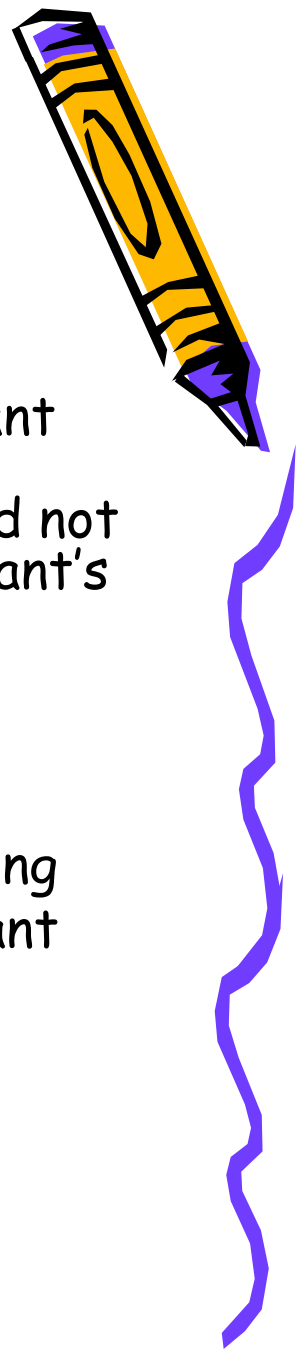
The Limelight



- I no longer practice law, but I am very sought after for speaking engagements (and commentary on the nightly news). I serve on the Song and Dance Board.
- Truth is, I'm an aviation lawyer, and I am often asked to speak, for a pretty nice fee, at a national conference on aviation law—in Vail.
- Can I do it?
- What if, instead, I'm speaking at a conference on dancing?



The Limelight

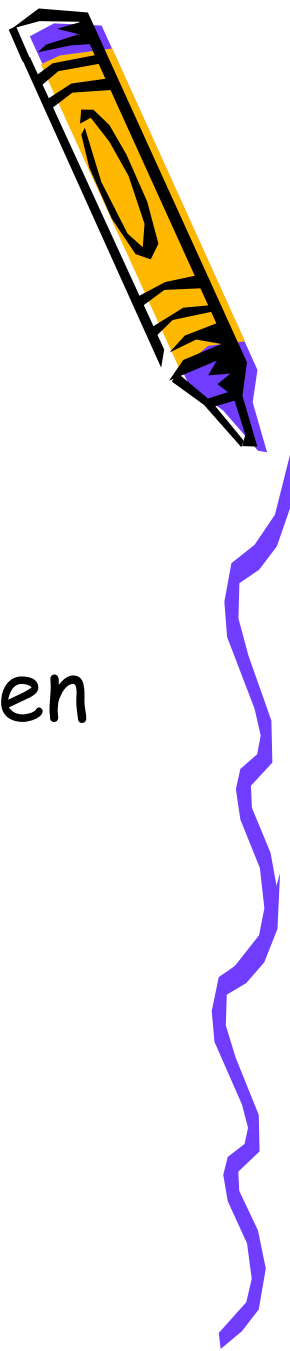


- A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.
- Translation: if the invitation is because of your public office, you cannot accept.
EXCEPTION: You may accept transportation/lodging expenses and meals in connection with public servant rendering services (addressing the audience or engaging in an seminar).



Gifts

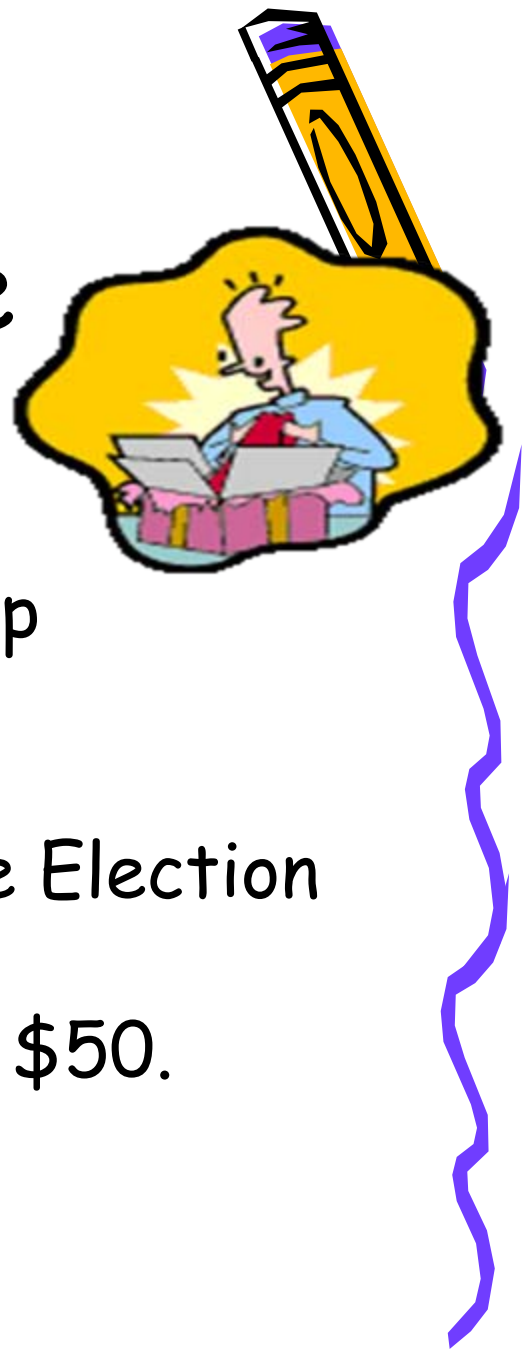
- Don't ask for 'em, don't take 'em.
- There are exceptions, but don't even go there.

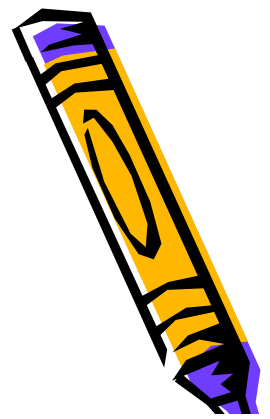


It's Good to Receive

A gift/benefit may be accepted if:

- It is a gift or benefit from a personal/professional relationship independent of your status as a board/commission member
- A political contribution under the Election Code
- An item with a value of less than \$50.





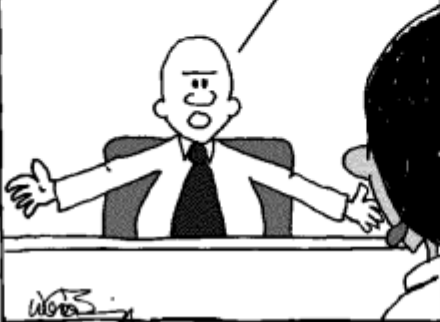
GRANTLAND®

SO WHAT'S YOUR PROBLEM
WITH OUR NEW ETHICS
GUIDELINES?



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THEY'RE GOING TO STIFLE
ANY SPIRIT OF COOPERATION,
AS WELL AS ALL GENEROSITY
AND CREATIVITY!

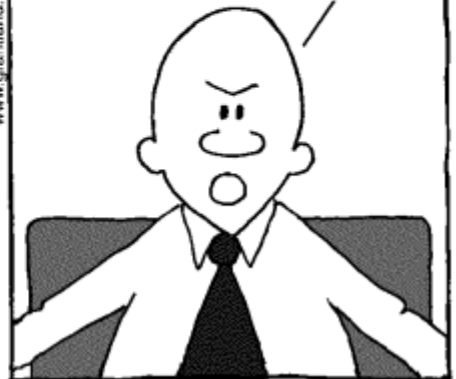


HOW ARE THEY GOING
TO DO THAT?



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BY CUTTING OUT CONFLICTS
OF INTEREST, ELIMINATING
BRIBES, AND MAKING
EVERYONE TELL THE TRUTH!



4004



Conflicts of Interest

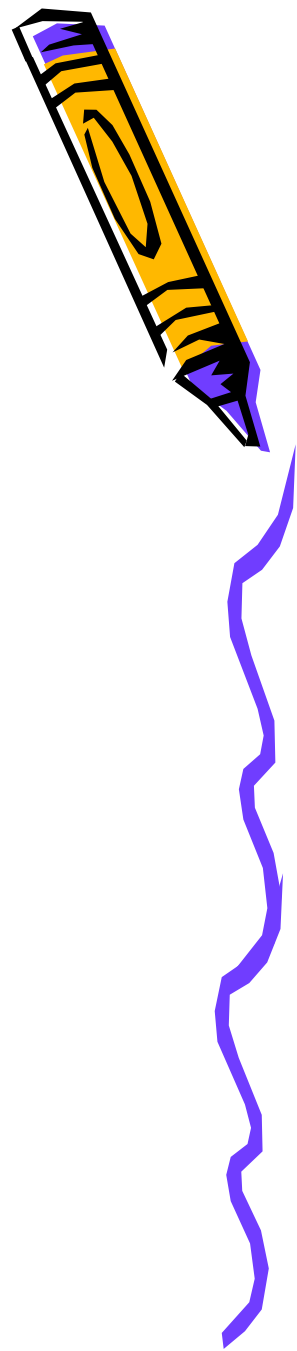
If a member of a board or commission has a "substantial interest" in a business entity or real property, that member must file an affidavit describing that interest, and abstain from further participation in the matter.



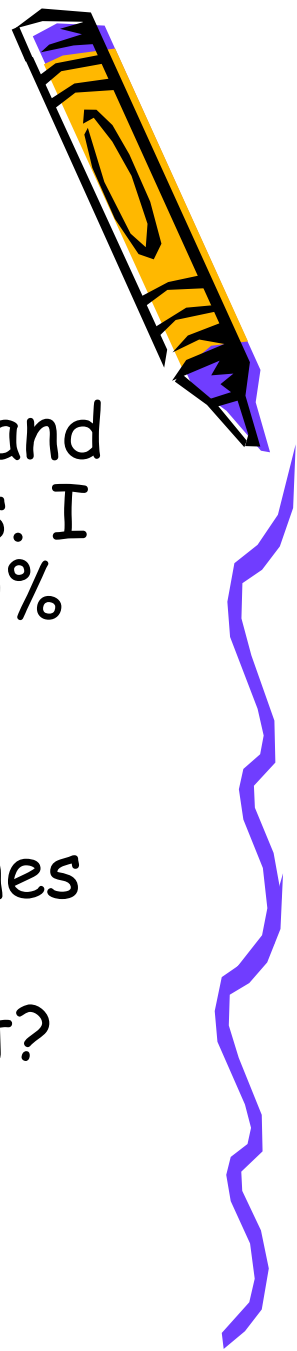
Conflicts of Interest

What is a substantial interest in an entity or piece of property?

- a. 100%
- b. 51%
- c. 10%
- d. \$15,000 or more
- e. Two of the above.



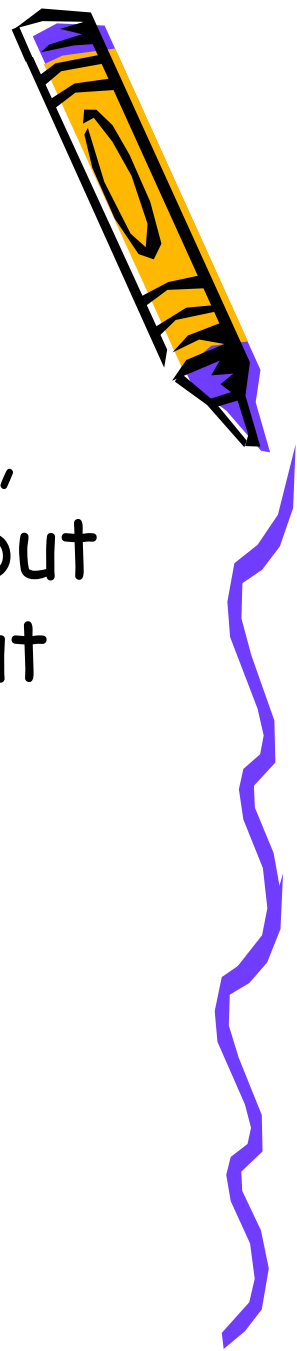
Test your knowledge



- I'm on the Houston Greenspace Board, and I like to help pull weeds in green spaces. I have a lot of spare time, since I own 20% of the voting stock of Apple.
- My board is thinking about buying iphones for all the board members. Does my membership on the board allow for that?



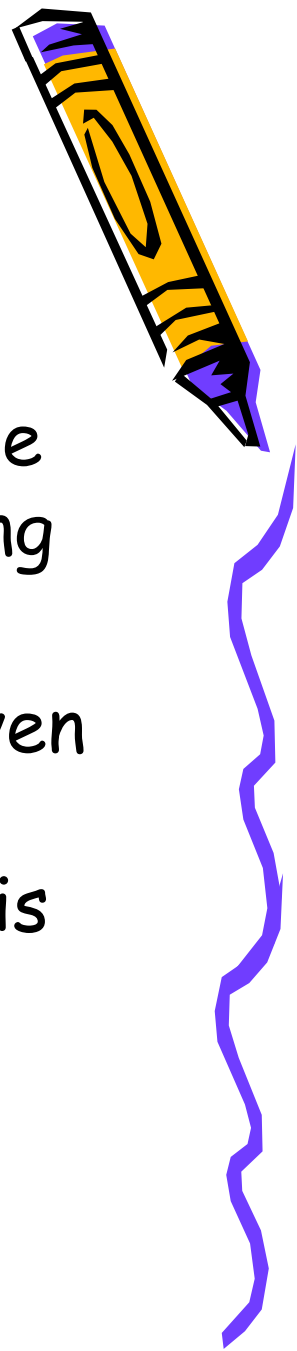
Disclosure of Relationships— Change the Facts



- I'm (still) on the GreenspaceBoard, and my husband works for Apple, but we don't own stock. He makes about \$60,000 a year.
- Do I have to report that?



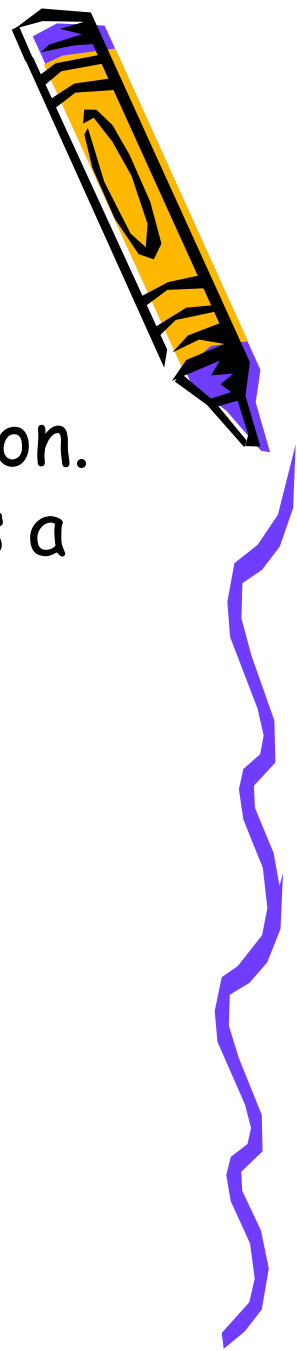
Disclosure of Relationships



- Yes, you must report if the board will be entering into a contract or is considering entering into a contract with Apple.
- This disclosure must be filed within seven days after you become aware that the board is entering into the contract (or is considering it.)



Empty Nest

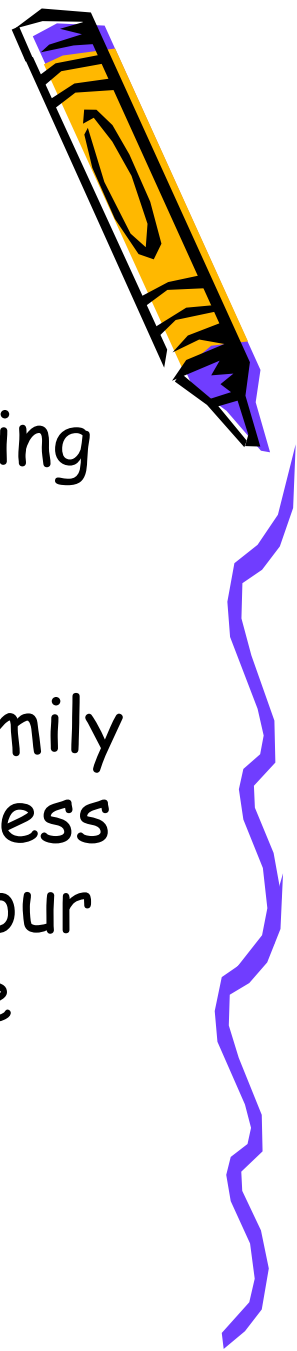


- I serve on the Communication Commission. I have a 25-year old son who finally has a job and has moved out.
- He got a job with AT&T—hallelujah!
- The Commission is considering entering into a contract AT&T.
- What do I do?



Conflicts Disclosure

- If your board/commission has contracting authority, you must file a conflicts disclosure statement if:
 - You become aware that you or a family member has an employment or business relationship that results in you or your relative receiving \$2,500 during the preceding 12-month period.



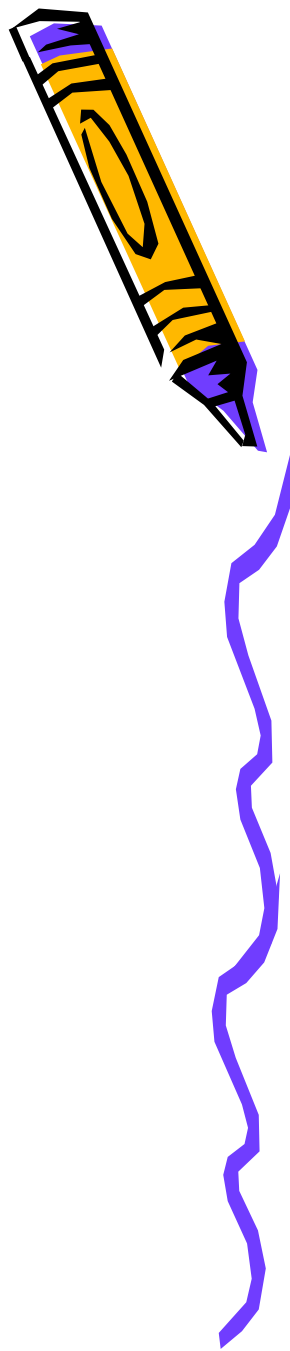
Conflicts Disclosure

- You also have to file a disclosure if you (or a family member) have received one or more gifts with an aggregate value of more than \$250 in the preceding 12-month period.

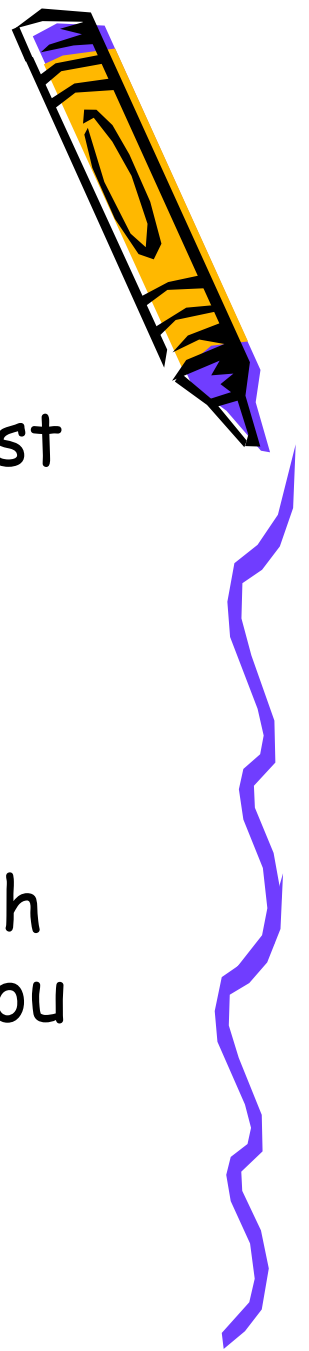


Open Meetings Act

- Compliance with the Texas Open Meetings Act is required for boards or commissions that make final decisions and adopt rules regarding public business.

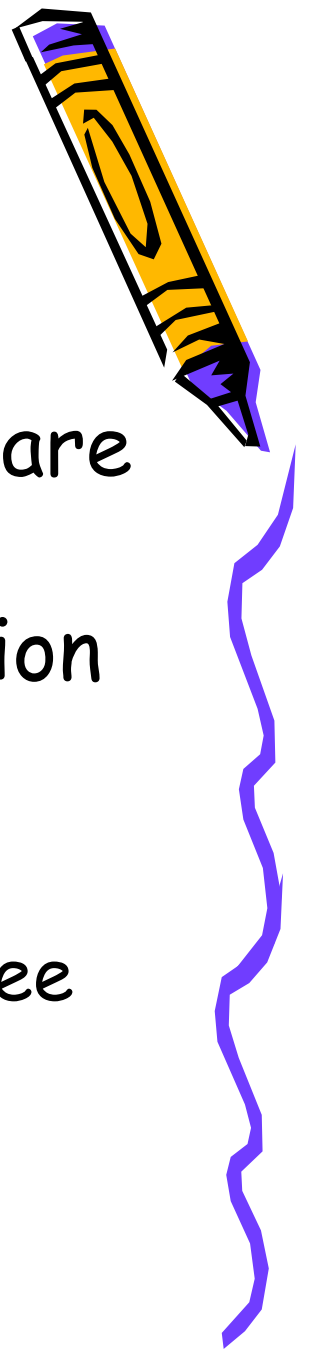


Open Meetings Act



- All boards and commission members must have a minimum of one hour of open meetings training.
- If your board or commission typically posts its agenda 72 hours in advance of the meeting and otherwise complies with the Act, be consistent and make sure you comply every meeting.



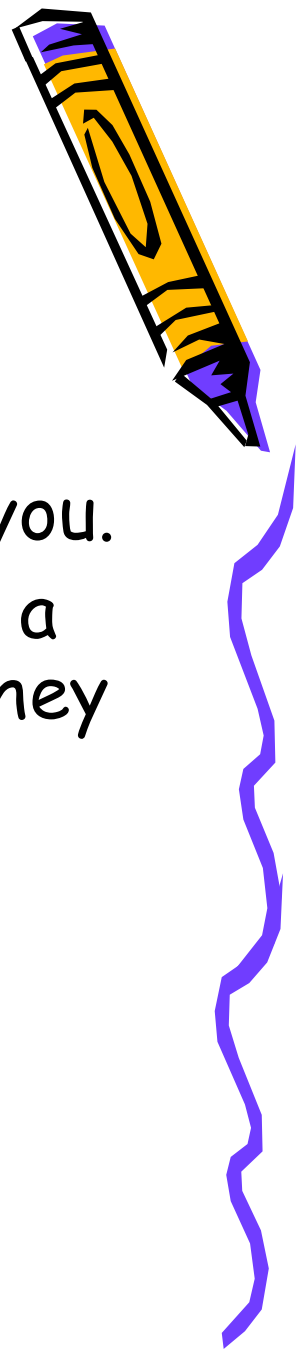


Good News and Bad News

- Boards and commission members are *not* required to receive training about the Texas Public Information act.
 - That's the good news.
 - If that's not good news, there is free training online 😊

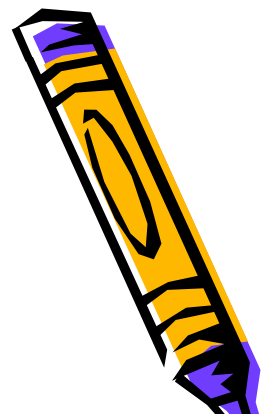


The News You Missed...



- Just because you are not required to receive training, the laws still apply to you.
- So, your records during your service on a board or commission may be public, if they were prepared and maintained in performing your duties as board/commission members.
- Be careful with email!!





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WE'RE FINISHED!!



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THE NEW ETHICS POLICY FOR
OUR COMPANY IS FINALLY
COMPLETE!



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NOW THAT'S DONE, WE CAN GO
BACK TO DOING OUR JOBS THE
SAME WAY WE ALWAYS
DID THEM.



Thoughts.....

"But....."

C.S. Lewis

